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Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization
21 February-1 March 2017

Draft report

Rapporteur: Mr. Isaías **Medina** (Bolivarian Republic of Venezuela)

II. Maintenance of international peace and security

E. Consideration of the working paper submitted by Cuba on the strengthening of the role of the Organization and enhancing its effectiveness: adoption of recommendations

1. The working paper entitled "Strengthening of the role of the Organization and enhancing its effectiveness: adoption of recommendations", a revised version of which had been submitted by Cuba at the 2012 session of the Special Committee (A/67/33, annex), was referred to during the general exchange of views held at the 284th and 285th meetings of the Special Committee, on 21 and 22 February 2017, and was considered at the 2nd meeting of the Working Group of the Whole.

2. During the general exchange of views, the sponsor delegation stressed that the working paper remained valid and invited delegations to share their views on it. Several delegations expressed their support for the proposal. Other delegations were of the opinion that the Special Committee should not consider topics that would be duplicative of or inconsistent with the roles of the principal organs of the United Nations as set forth in the Charter.

3. During the 2nd meeting of the Working Group of the Whole, the sponsor delegation reiterated that the general direction of the proposal was to recommend the carrying out of a set of legal analyses and studies in relation to the functions and powers of the General Assembly and the Security Council, particularly with regard to Articles 10 to 14 of the Charter of the United Nations. The sponsor delegation also asserted that the Special Committee was the appropriate forum for discussion of reform of the Charter, which it considered to be a living document.

4. The sponsor delegation reaffirmed that the intention of the proposal was to achieve the delicate balance envisaged in the Charter between the mandates of all the principal organs, and in particular to elevate the General Assembly as the main

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organ, of the United Nations. It also emphasized its willingness tc modify the language and the scope of the working paper, to submit a revised version and to continue consultations with delegations, and formally requested that it be retained on the agenda of the Special Committee.

5. Several delegations expressed support for the proposal and noted that legal analysis of the provisions of the Charter, in particular the provisions of Chapter IV, was relevant to and necessary for reform of the Charter. The Special Committee was urged to consider pragmatic ways to move forward on the proposal, including by referring the issue to the International Law Commission or by setting up a working group to consider the proposal.

6. Several other delegations maintained that the Charter was sufficiently clear and that further legal study would not add anything meaningful. It was also observed that the issue of the relationship between the General Assembly and the Security Council was well defined in the Charter and adequately dealt with by other bodies within the Organization.